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California Regional Water Quality Control Board Central Valley Region

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2 February 2009

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**NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS
ORDER NO. R5-2008-0081 (GENERAL ORDER); DEWATERING AND OTHER LOW
THREAT DISCHARGES TO SURFACE WATERS; FOLSOM SOUTH CANAL
CONNECTION (FSCC) PROJECT, SOUTH PIPELINE SEGMENT; SAN JOAQUIN COUNTY**

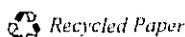
Our office received a Notice of Intent (NOI) on 17 October 2008 from Sundt Construction, Inc. for the FSCC South Pipeline Segment Project. Based on the information in the NOI and additional documentation, including water quality monitoring data, we have determined that the project meets the required conditions for approval under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (General Order No. R5-2008-0081). For this General Order Permit, Sundt Construction, Inc. and East Bay Municipal Utility District (EBMUD) are jointly designated as the Discharger. This project is hereby assigned General Order No. R5-2008-0081-022 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001.

The General Order (enclosed) may also be viewed at the following web address:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0081.pdf. You are urged to familiarize yourself with the contents of the entire document. The Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in the General Order and with the information submitted in the NOI.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING

This General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, 2005*, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents are found in Attachment B of the General Order.

California Environmental Protection Agency



Review of your water quality data in reference to the CTR screening values showed no reasonable potential to impact the receiving waters. Therefore, no additional effluent limitations or additional monitoring requirements will be required for this project.

PROJECT DESCRIPTION

The project involves the discharge of groundwater used for hydrostatic testing. The groundwater used for hydrostatic pipeline testing of the South Segment of the EBMUDs Folsom South Canal Connection Project will be from the Cord Road well. The South Segment consists of approximately six miles of 72 inch pipe. The pipeline segment begins on EBMUD property just south of Buena Vista Road and ends about one half mile south of the intersection of Cord Road and Acampo Road. The discharges will occur at the Mokelumne River, Bear Creek, and Bear Creek tributaries, which are tributary to the San Joaquin River.

The proposed discharge is scheduled to commence in December 2008 and be completed by August 2009.

REPORTING

The Discharger is required to inform the Regional Water Board 24 hours before the start of the discharge. Quarterly reports shall be submitted to the Regional Water Board office (Attention: NPDES Program) by the first day of the second month following each calendar quarter. Reporting is required even if there is no discharge or receiving water flow during the reporting quarter. Reporting requirements are found in Attachment E of the General Order.

GENERAL INFORMATION AND REQUIREMENTS

The Discharger will be required to follow their Pollution Prevention and Monitoring and Reporting Plan. Effluent and receiving water monitoring of the subject discharge shall be conducted and submitted to the Regional Water Board, quarterly, until completion of the project. The Regional Water Board shall be notified immediately if any violation, nuisance, or detriment to the receiving water is observed during implementation of the project.

Failure to comply with the Effluent Limitations and Receiving Water Monitoring requirements in the General Order could result in an enforcement action as authorized by provisions of the California Water Code. Discharge of material other than what is described in the application is prohibited.

The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until this Notice of Applicability is officially terminated. You must notify this office in writing when the discharge regulated by this General Order is no longer necessary, so we may terminate applicability of this General Order and avoid additional unnecessary billing.

Violations of the effluent limitations contained in this Order may be subject to a \$3,000 Mandatory Minimum Penalty (MMP) per violation for serious or chronic violations if certain conditions are met [Water Code Section 13385(h) and (i)]. In addition, an effluent monitoring report received more than 30 days after its due date is subject to a \$3,000 MMP. An

additional \$3,000 MMP is mandated for each additional 30 days a report is late. If you have no discharge, you must still submit a report indicating that no discharge occurred, or you may be subject to the MMP.

If you have any question or comments regarding your General Order coverage, please contact David Kirn of our office at (916) 464-4761 or at dwkirn@waterboards.ca.gov.



for PAMELA C. CREEDON
Executive Officer

Enclosure: General Order No. R5-2008-0081 (Discharger only)

cc: U.S. Environmental Protection Agency, Region IX, San Francisco
U.S. Army Corps of Engineers, Sacramento
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento